

- (1) V. Deut. XXII, 25; v. p. 34, n. 3.
- (2) Of which they intended to deprive her, because the woman was not named.
- (3) To whom the amount of the Kethubah belongs before marriage.
- (4) If they have not named the owner.
- (5) Is the evidence of the owner valid with regard to the ox?
- (6) The evidence is thus valid with regard to the ox.
- (7) In the plural Deut. XXV, 1.
- (8) Ibid.
- (9) Deut. XIX, 19.
- (10) In cases where the law of retaliation cannot be applied, v. Mak. 2b.
- (11) Deut. XXV, 1.
- (12) I.e., if so, why this reference to the justification of the righteous? Surely the application of the punishment does not depend on it! V. Rashi on same passage in Mak. 2b.
- (13) Ex. XX, 16.
- (14) Deut. XXV, 2. רשע (ה)
- (15) Num. XXXV, 31. רשע
- (16) The sinner in reality deserves the death penalty for trespassing the command of his Creator (Rashi), and a death penalty must be administered by twenty-three.
- (17) Since death is his real desert, v. Mak. 22a.
- (18) Deut. XXV, 3.
- (19) Tosef. Mak. IV, 12.

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Rather let him receive twenty-one. For even if he should die by reason of the twenty-first lash, he would still be alive when it [the twenty-first] begins to be applied? — R. Ashi replied: Scripture says, Then thy brother should be dishonoured before thine eyes.¹ that is to say, after the last lash has been administered, he must still be 'thy [living] brother.'

THE INTERCALATION² OF THE MONTH BY THREE. [The Tanna of the Mishnah] mentions neither the 'calculation'³ nor the 'sanctification'⁴, but the INTERCALATION of the month. [Why then the need of three for this?] Suppose it is not sanctified [on the thirtieth day] it will then be automatically intercalated! — Abaye therefore said: Read then, THE SANCTIFICATION OF THE MONTH. It is also taught to the same effect: The sanctification of the month and the intercalation of the year is to be determined by three. So R. Meir holds. But, asked Raba, does not the Mishnah say, the INTERCALATION? — Hence, said Raba, the Mishnah means that the sanctification made on INTERCALATION, that is on the intercalary day,⁵ is determined by three; but on the day after it there is to be no sanctification. And this represents the opinion of R. Eliezer b. Zadok, as it has been taught: R. Eliezer b. Zadok says: If the new moon has not been visible in time, there is no need for the Sanctification next day, as it has already been sanctified in Heaven.⁶

R. Nahman said: [The Mishnah means] that Sanctification is held on the day after INTERCALATION [that is after the intercalary day] by three; but on the day itself, there is to be no Sanctification. And whose view is this? — Polemo's, as it was taught: Polemo says, [If the new moon has appeared] at its due time,⁷ there is not to be Sanctification; but if it has not appeared at its due time, Sanctification is to be proclaimed.

R, Ashi said: In reality, the Mishnah refers to the 'calculation', and as for THE INTERCALATION, it means the calculation relating to THE INTERCALATION. But having to state [explicitly] THE INTERCALATION OF THE YEAR,⁸ the Tanna also employs the phrase THE INTERCALATION OF THE MONTH.

The Mishnah thus holds that only ‘calculation’ is required in fixing the length of the month, but no formal ‘sanctification’. Whose view is this? — R. Eliezer's; as it has been taught: R. Eliezer says: Whether the moon appears at its due time or not, no sanctification is needed, for it is written, Ye shall sanctify the fiftieth year⁹ [from which it is to be inferred that] thou art to sanctify years¹⁰ but not months.

R. SIMEON B. GAMALIEL SAYS, BY THREE etc. It has been taught: How [are we to understand] R. Simeon b. Gamaliel when he says, THE MATTER IS INITIATED BY THREE, DISCUSSED BY FIVE AND DETERMINED BY SEVEN? — If, for example, one holds a meeting [for the purpose of considering the question of intercalation] to be necessary, but two hold that it is unwarranted, the opinion of the single one, being in the minority, is overruled. If, however, two are in favour of the meeting and one is not, two more are co-opted, and the matter is then discussed. Should then two [of the five] find intercalation necessary, and three not, the opinion of the two, being in the minority, is overruled. If, however, three favour intercalation and two not, an additional two are co-opted, as not less than seven form a quorum to determine an intercalation [where there is a division of opinion].

To what do these numbers, three, five and seven, correspond? — R. Isaac b. Nahmani, and an associate of his, namely, R. Simeon b. Pazi; or according to others [who invert the order], it was R. Simeon b. Pazi and an associate of his, namely, R. Isaac b. Nahmani, differ in the matter. One said [that the numbers, three, five and seven] correspond to [the respective number of Hebrew words] in [the three verses of] the Priestly Benediction;¹¹ the other said, they correspond to the three keepers of the threshold,¹² the five of them that saw the king's face,¹³ and the seven . . . who saw the king's face.¹⁴

R. Joseph learned: [The numbers] three, five and seven, correspond [as follows]: Three, to the keepers of the threshold, five, to those of them that saw the king's face, and seven, to those who saw the king's face. Whereupon Abaye asked him: ‘Why has the Master not explained it to us hitherto?’ He answered: ‘I knew not that you needed it. Did you ever ask me to interpret anything and I refused to do it?’

(Mnemonic: Appointment, Nasi, Necessary, Kid.)

Our Rabbis taught: The year can be intercalated only by a Court

(1) Ibid.

(2) The commencement of the month was dated from the time when the earliest visible appearance of the new moon was reported to the Sanhedrin. If this happened on the 30th day of the current month, that month was considered to have ended on the preceding 29th day, and was called deficient. But if no announcement was made on the 30th day, that day was reckoned to the current month, which was then called full, and the ensuing day was considered the first of the next month.

(3) The ‘calculation’ as to which and how many months were to be intercalated. It was an established rule that no year should consist of less than four nor more than eight full months.

(4) The proclamation by formal ‘sanctification’ of the new moon on the thirtieth day.

(5) The thirtieth day.

(6) I.e., it is patent to all that the next day is the new moon, as no month exceeds 30 days.

(7) I.e., on the thirtieth day.

(8) Where a special proclamation is necessary, failing which the year is not intercalated.

(9) Lev. XXV, 10.

(10) The court is to sanctify the Jubilee Year by a formal proclamation: ‘The year is hallowed’.

(11) Num. VI, 24-26.

(12) II Kings XXV, 18.